amended, and new claims 21 and 22 added. Amendments to the claims are indicated in the section entitled "Version With Markings to Show Changes Made."

Claim Rejections - 35 U.S.C. §112, First Paragraph

Claims 14-17, 19 and 20 were rejected under 35 U.S.C. §112, first paragraph, for allegedly lacking sufficient written description to show possession of the claimed invention. Specifically, the Examiner argues that the specification and claims do not support the recitation of "non-cytotoxic" in the claim preamble. Applicant respectfully disagrees with the Examiner's rejection. Nevertheless, in order to further applicant's business interests, without acquiescing in the Examiner's rejection, and expressly reserving the right to prosecute similar claim limitations in the future, applicant has herein amended the claims to recite "cytomodulating," which term finds explicit support throughout the specification. Accordingly, the Examiner's written description rejection has been obviated and withdrawal of the same is respectfully requested.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 14-17, 19 and 20 were also rejected by the Examiner as indefinite in their recitation of "non-cytotoxic conjugate." Although applicant respectfully disagrees with the Examiner's rejection, in order to further applicant's business interests, without acquiescing in the Examiner's rejection, and expressly reserving the right to prosecute a similar claim limitation in the future, applicant has herein amended the claims to recite "cytomodulating," which term finds explicit support throughout the specification. The amendment obviates the rejection for indefiniteness, and the Examiner is therefore respectfully requested to withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Claim Rejection - 35 U.S.C. §102(e)

Claims 14 –17, 19 and 20 are rejected as being anticipated under 35 U.S.C. §102(e) by Kranz *et al.* as evidenced by Borrebaeck *et al.* Specifically, the Examiner argues that the murine antibodies included in the conjugates described by Kranz *et al.* inherently contain the α-gal epitope due to the presence of such epitopes in murine antibodies, as evidenced by the disclosure of Borrebaeck *et al.*. The Examiner further suggests that such conjugates are not cytotoxic in the absence of exogenous effector mechanisms.

In view of the foregoing claim amendments, which limit the presently-claimed conjugates to the essential components recited in the claims, *i.e.*, folate in conjunction with

the recited selective moieties, the Examiner's anticipation rejection based on the conjugates described by Kranz *et al.* is overcome. The disclosure in Kranz *et al.* is limited solely to a process of targeting folate receptor positive tumor cells for lysis by binding a conjugate of folate and an anti-T cell receptor antibody or an anti-Fc receptor antibody to those cells. Kranz *et al.* do not teach immunomodulation using the conjugates as presently claimed or even suggest their possible existence, whether considered alone or in combination with the disclosure in Borrabaeck *et al.* The claims as presently amended now exclude the possibility that the selective moiety or any other portion of the presently-claimed conjugate could be an antibody, including murine antibodies, thereby obviating the Examiner's rejection. Applicant therefore requests that the Examiner withdraw the rejection of claims 14–17, 19 and 20 as being accidentally anticipated by Kranz *et al.* under § 102(e).

In view of the above, Applicant respectfully requests reconsideration by the Examiner of Claims 14 and 19 as allowable generic or linking claims. To this end, Applicant has added one of the exemplified embodiments, fluorescein isothiocyanate (FITC) as an additional example of a suitable selective moiety for use in conjunction with folate in the presently-claimed conjugates. [*See, e.g.* , Examples 4 & 5 at pages 19-30].

Based on the foregoing, applicant respectfully submits that the claims as presently submitted are in condition for allowance. If, upon review, the Examiner feels there are additional outstanding issues, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

14. (Amended) A [non-cytotoxic]cytomodulating conjugate for administration to a mammalian host, said conjugate [comprising]consisting essentially of folate joined to a selective moiety,

wherein said selective moiety [comprises]consists essentially of an antigen to which the host has been previously sensitized or to which the host has natural immunity.

18. (Amended) The conjugate of Claim 14, wherein said selective moiety comprises an antigen selected from the group consisting of an oligosaccharide A antigen, an oligosaccharide B antigen, a vaccine antigen, [an anti-idiotype antibody,]and [a variable region of an anti-idiotype antibody]fluorescein isothiocyanate (FITC).

19. (Amended) A [non-cytotoxic]cytomodulating conjugate [comprising]consisting essentially of folate joined to a selective moiety,

wherein said selective moiety [comprises]consists essentially of an epitope selected from the group consisting of α-galactosyl, a blood group antigen, a xenoantigen, HIV, a vaccine antigen, [a superantigen,]a minor histocompatibility antigen, [an anti-idiotype antibody,]and [a variable region of an anti-idiotype antibody]fluorescein isothiocyanate (FITC).

20. (Amended) A conjugate [comprising]consisting essentially of folate covalently joined to [α-galactosyl]fluorescein isothiocyanate (FITC).

21. (New) The conjugate of Claim 14, wherein said selective moiety consists essentially of fluorescein isothiocyanate (FITC).

22. (New) The conjugate of Claim 19, wherein said selective moiety consists essentially of fluorescein isothiocyanate (FITC).